

**KENTUCKY BOARD OF PHARMACY**

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**Special Called Board Meeting**

**March 18, 2020**

**4:30 p.m.**

**Agenda**

- I. Call to Order
- II. Recommendations to the Governor for Executive Order
  - a) The practice of pharmacy may be performed remotely by a pharmacist providing the pharmacy computer system allows. Pharmacy technicians may remotely assist in the practice of pharmacy by doing order entry and payer adjudication providing the pharmacy computer system allows and required pharmacist oversight is maintained either in-person or via electronic methods.  
Confidentiality must be maintained at the remote site.
- III. Inspections
- IV. Pharmacy notification to the Board
  - a) Temporary closure during state of emergency
  - b) Temporary change of hours during state of emergency
- V. Adjournment

## MINUTES

### KENTUCKY BOARD OF PHARMACY

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#### Special Called Board Meeting

March 18, 2020

4:30 p.m.

**CALL TO ORDER** A special called video-teleconferenced Kentucky Board of Pharmacy meeting using the link above. President Poole called the meeting to order on March 18, 2020 at 4:30 p.m.

Members present on the teleconference: John Fuller, Ron Poole, Peter P. Cohron, Jill Rhodes and Craig Martin.

Staff present on the teleconference: Larry Hadley, Executive Director; Anthony Gray, General Counsel; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Amanda Harding, Pharmacy and Drug Inspector and Darla Sayre, Executive Staff Advisor.

Guest present on the teleconference: Joan Haltom, Ephraim McDowell; Josh Elder, KSHP; Lavanya Peter, Park Duvalle; Philip Kociemba; Katie Kociemba; Joel Thornbury; Cathy Hanna, APSC; Ralph Bouvette, APSC; Mark Glasper, KPHA; Daniel Johnson; Jacob Lyles; Laura Stiles; Matthew Oakley; Ann Murphy; Chad Forinash; David Gresham; Lauren Adams; Spencer Bolton; Chris Palutis; Michele Pinkston; Don Kupper, KPHA; Brooke Hudspeth, KPHA; Chris Killmeier; Daniel Deem; Sarah Franklin; Brenda Shafer; Mary Cambron, Norton; Matt Blum, Norton and Alice Beane, Norton.

Ron Poole informed the audience that pursuant to KRS 61.823, this meeting was called in compliance with the Governor's restriction of public meetings due to the COVID-19 State of Emergency. Discussion is limited to only those items specified on the Agenda.

Mr. Poole read the following proposed wording to be recommended to the Governor for implementation through Executive Order.

*The practice of pharmacy may be performed remotely by a pharmacist providing the pharmacy computer system allows. Pharmacy technicians may remotely assist in the practice of pharmacy by doing order entry and payer adjudication providing the pharmacy computer system allows and required pharmacist oversight is maintained either in-person or via electronic methods. Confidentiality must be maintained at the remote site.*

Mr. Poole read alternative wording:

*Through the Governor's Executive order, Pharmacy Technicians registered with the KYBOP, may remotely assist in the entry of prescription orders, processing or adjudicating prescription orders, conducting MedSync calls, conducting insurance inquiry calls and assisting the on-site pharmacy staff providing the pharmacy software system is a closed network which allows for pharmacist oversight and intervention by electronic methods. Pharmacists, licensed by the KYBOP, may*

*perform the Practice of Pharmacy remotely providing the on-site Pharmacy has a pharmacy software system with a closed network and a Pharmacist present to conduct the final verification and in-person counseling to their patients. All patient personal health information will be protected with the same confidentiality laws in effect today.*

Jill Rhodes questioned if this was necessary or did it fall under 201 KAR 2:300. Anthony Gray stated that it would be best to err on the side of caution. Craig Martin was in agreement. Cathy Hanna wanted clarification that all dispensing activities would take place at the home pharmacy. She requested adding that language and limiting this practice for the duration of the State of Emergency.

Concerns from other attendees were as follows:

- Allowing pharmacy technicians to restock ADS without a pharmacist on site.
- Consider allowing for electronic supervision of pharmacy technicians.
- Consider waiving the requirement to be Kentucky licensed or registered to practice or assist in the practice of pharmacy in Kentucky.
- Consider temporary licenses due to the closure of testing centers.

The above items were stated but not discussed due to the limitation of a Special Called Meeting.

After further discussion, Craig Martin moved to approve the recommendation below to be sent to the Governor.

*Through the Governor's Executive order, Pharmacists, licensed by the KYBOP, may perform the Practice of Pharmacy remotely providing the on-site Pharmacy has a pharmacy software system with a closed network and a Pharmacist present to conduct the final verification and in-person counseling to their patients. All patient personal health information will be protected with the same confidentiality laws in effect today. In addition, Pharmacy Technicians registered with the KYBOP, may perform all duties and tasks authorized under current statutes and regulations remotely. A licensed pharmacist shall provide oversight of all tasks and duties performed by the pharmacy technician. These items shall remain in effect throughout the duration of the State of Emergency.*

Peter Cohron seconded, and the motion passed unanimously.

Jill Rhodes moved to direct inspection staff to postpone non-critical pharmacy inspections unless there are concerns or immediate cause to require an inspection. Peter Cohron seconded, and the motion passed unanimously.

Craig Martin moved to direct pharmacies that they are not required to notify the Board of a temporary change of hours during the State of Emergency. Pharmacies are

required to notify the Board of temporary closure of a pharmacy during the State of Emergency; however, the fifteen day advanced notice has been waived. Pharmacies are required to submit notification of closure within 72 hours. Peter Cohron seconded, and the motion passed unanimously.

**ADJOURNMENT** On motion by Peter Cohron, seconded by John fuller and passed unanimously, President Poole adjourned the meeting at 5:35 p.m.

Larry A. Hadley  
Executive Director